

MORENO & RIVERA, LLP

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Jesse M. Rivera, CSN 84259
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Jonathan B. Paul, CSN 215884

Attorneys for Plaintiff,
GEORGE KIRBYSON

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE L. KIRBYSON,)
)
Plaintiff,)

vs.)

TESORO REFINING AND MARKETING)
COMPANY, BRUCE SMITH, DAN)
PORTER, WILLIAM BODNAR, BILL)
REITZEL, DANIEL CARLSON, RICK)
RIOS, TAMMY MEAMBER, DIANE)
DANIELS, LARRY ANGEL, UNITED)
STEELWORKERS INTERNATIONAL)
UNION LOCAL 5, JEFF CLARK, STEVE)
ROJEK, and DOES 1 through 200, inclusive,)

Defendants.)

CASE NO. C09-03990 SC

**STIPULATED REQUEST FOR
ENLARGEMENT OF TIME RE: COURT
ORDER OF SEPTEMBER 17, 2010
(DOC. 63); DECLARATION OF SHANAN
L. HEWITT IN SUPPORT THEREOF**

IT IS HEREBY STIPULATED by all parties to this action and the parties have agreed to request an enlargement of time of the scheduling order set forth in the Court's order of September 17, 2010. The parties have stipulated to the enlargement of time for expert disclosure, discovery, hearing of motions, pretrial conference and trial dates. The parties hereby propose the following modified dates:

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1 Trial Date: November or December 2011 (or later at the Court's convenience)

2 Discovery Deadline: September 1, 2011

3 Expert Disclosure: July 1, 2011

4 Motions Hearings: Last hearing date for motions, September 30, 2011

5 Pretrial Conference: Two weeks prior to selected trial date

6
7 Date: March 1, 2011

MORENO & RIVERA, LLP

8 /s/ Shanán L. Hewitt

9 SHANAN L. HEWITT

10 Attorney for Plaintiff,

George Kirbyson

11 Date: March 1, 2011

FULBRIGHT & JAWORSKI, LLP

12
13 /s/ Amy McGinnis Gillinger

14 AMY MCGINNIS GILLINGER,

15 Attorney for Defendant,

Tesoro Refining and Marketing Company

16
17 Date: March 1, 2011

WEINBERG, ROGER & ROSENFELD

18
19 /s/ Kristina L. Hillman

20 KRISTINA L. HILLMAN,

21 Attorney for Defendant,

22 United Steelworkers International Union,

Local 5

DECLARATION OF SHANAN L. HEWITT IN SUPPORT OF
STIPULATED REQUEST FOR ENLARGEMENT OF TIME

I, Shanana L. Hewitt, declare that:

1. I am attorney of record for Plaintiff GEORGE KIRYBSON and have personal knowledge of each and all of the facts stated in this Declaration.

2. I am an attorney authorized to practice law in the State of California and the U.S. District Courts for the Eastern and Northern Districts of California, the Ninth Circuit Court of Appeals and the United States Supreme Court.

3. Plaintiff's counsel and counsel for Tesoro have agreed to mediate this action. In addition, Plaintiff and Defendant USW Local 5 are currently engaged in settlement discussions. Due to the mediators' busy calendars, it is anticipated that the parties will not be able to mediate this case before May 2011. In order to conserve additional expense to the parties and the Court's resources, the parties are requesting that the Court modify the current scheduling order so that the parties may attempt to resolve this case.

4. Plaintiff's counsel has conferred with defense counsel Michael S. Chamberlin and Kristina L. Hillman and the parties have stipulated to an enlargement of time for all scheduling deadlines. It should be noted that, due to Plaintiff's counsel's availability and the preparation required for trial, they are requesting a trial date on or after November or December 2011.

5. Due to the anticipated timing of mediation in this case and in the interest of saving the time and expense for the parties and the Court, the parties request that the deadlines, as set forth in the Court's order of September 17, 2010 (Doc. 63), be modified as follows:

Trial Date: November or December 2011 (or later at the Court's convenience)

Discovery Deadline: September 1, 2011

Expert Disclosure: July 1, 2011

Motions Hearing: Last hearing date for motions, September 30, 2011

Pretrial Conference: Two weeks prior to selected trial date

6. This is the first request for modification of time brought before this Court.

7. Counsel is not bringing this request to cause any undue delay or for any dilatory

1 purpose.

2 8. Counsel respectfully requests that this Honorable Court grant the parties' request
3 and continue the dates set forth in the scheduling order in order to permit the parties to attempt to
4 settle this action.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed on this 1st day of March 2011, at Sacramento, California.

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8 /s/ Shanana L. Hewitt

9 SHANAN L. HEWITT
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George L. Kirbyson v. Tesoro Corp. dba Tesoro Refining and Marketing Company, et al.
U.S. District Court, Northern District Sacramento
Case Number C 09-03990 SC

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento. My business address is 1451 River Park Dr., Suite 145, Sacramento, California, 95815. I am over the age of 18 years and not a party to the above-entitled action.

I am familiar with MORENO & RIVERA, LLP's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a U.S. mailbox after the close of each day's business.

On the following date, I served the attached:

**STIPULATED REQUEST FOR ENLARGEMENT OF TIME RE: COURT
ORDER OF SEPTEMBER 17, 2010 (DOC. 63);
DECLARATION OF SHANAN L. HEWITT IN SUPPORT THEREOF**

 X on the parties below in this action via electronic mail.

 (By Express Mail pursuant to Code of Civil Procedure section 1013.) I deposited each sealed envelope, with the postage prepaid, to be delivered via Federal Express to the party(ies) so designated on the service list.

addressed as follows:

Attorneys for Tesoro

Michael S. Chamberlin
Amy McGinnis Gillinger
Fulbright & Jaworski, L.L.P.

mchamberlin@fulbright.com

agillinger@fulbright.com

Attorney for USW Local 5

Kristina L. Hillman
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

khillman@unioncounsel.net

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on March 1, 2011 at Sacramento, California.

/s/ Shanana L. Hewitt

SHANAN L. HEWITT

MORENO & RIVERA, LLP

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GEORGE L. KIRBYSON,)
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ROJEK, and DOES 1 through 200, inclusive,)

Defendants.)

CASE NO. C09-03990 SC

**[PROPOSED] ORDER ON STIPULATED
REQUEST FOR ENLARGEMENT OF
TIME RE: COURT ORDER OF
SEPTEMBER 17, 2010 (DOC. 63)**

The parties to this action have stipulated and agreed to an enlargement of time of the scheduling order set forth in the Court's order of September 17, 2010. The parties have stipulated to the enlargement of time for expert disclosure, discovery, hearing of motions, pretrial conference and trial dates. Accordingly, the Court's order of September 17, 2010 (Doc. 63) is modified as follows:

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1 Trial Date: November or December 2011

2 Discovery Deadline: September 1, 2011

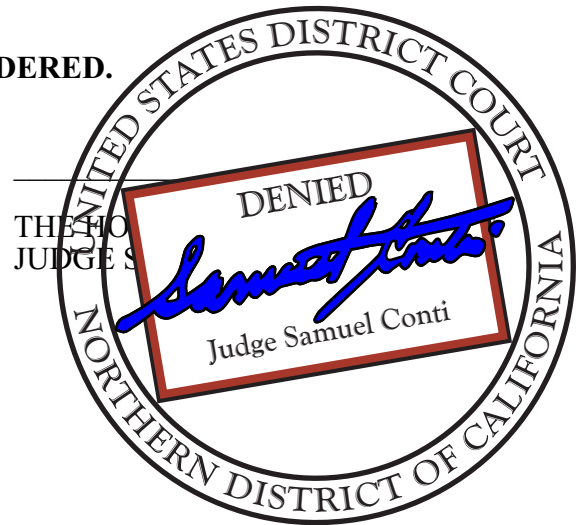
3 Expert Disclosure: July 1, 2011

4 Motions Hearings: Last hearing date for motions, September 30, 2011

5 Pretrial Conference: Two weeks prior to selected trial date

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7 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

8 Date: 3/2/11
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George L. Kirbyson v. Tesoro Corp. dba Tesoro Refining and Marketing Company, et al.
U.S. District Court, Northern District Sacramento
Case Number C 09-03990 SC

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[PROPOSED] ORDER ON STIPULATED REQUEST FOR ENLARGEMENT OF TIME RE: COURT ORDER OF SEPTEMBER 17, 2010 (DOC. 63)

X on the parties below in this action via electronic mail.

____ (By Express Mail pursuant to Code of Civil Procedure section 1013.) I deposited each sealed envelope, with the postage prepaid, to be delivered via Federal Express to the party(ies) so designated on the service list.

addressed as follows:

Attorneys for Tesoro
Michael S. Chamberlin
Amy McGinnis Gillinger
Fulbright & Jaworski, L.L.P.

mchamberlin@fulbright.com
agillinger@fulbright.com

Attorney for USW Local 5
Kristina L. Hillman
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

khillman@unioncounsel.net

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on March 1, 2011 at Sacramento, California.

/s/ Shanan L. Hewitt

SHANAN L. HEWITT